



Senate

General Assembly

January Session, 2005

File No. 521

Senate Bill No. 1223

Senate, April 26, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF ROBERT J. KELLY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (*Effective from passage*) (a) Notwithstanding the failure to
2 file a proper notice of a claim against the state with the clerk of the
3 Office of the Claims Commissioner, as required by section 4-147 of the
4 general statutes, within the time limitations specified by subsection (a)
5 of section 4-148 of the general statutes, and notwithstanding the
6 provisions of subsection (c) of section 4-148 of the general statutes
7 barring the presentment of a claim once considered by the Claims
8 Commissioner, the General Assembly or in a judicial proceeding,
9 Robert J. Kelly is authorized pursuant to the provisions of subsection
10 (b) of section 4-148 of the general statutes to present his claim against
11 the state to the Claims Commissioner. The General Assembly deems
12 such authorization to be just and equitable and finds that such
13 authorization is supported by compelling equitable circumstances and
14 would serve a public purpose.

15 (b) The state shall be barred from setting up the failure to comply
16 with the provisions of sections 4-147 and 4-148 of the general statutes,
17 from denying that notice of the claim was properly and timely given
18 pursuant to sections 4-147 and 4-148 of the general statutes and from
19 setting up the fact that the claim had once been considered by the
20 Claims Commissioner, by the General Assembly or in a judicial
21 proceeding as defenses to such claim.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Comptroller - Adjudicated Claims Account	GF - Cost	Potential	Potential
Attorney General	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill permits the claimant to present his claim to the Claims Commissioner for a hearing. It thereby results in a potential cost to the state related to any future claim award or settlement.

OLR Bill Analysis

SB 1223

***AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF
ROBERT J. KELLY***

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 38 Nay 0